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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/664,565      | 09/18/2000  | Tejas Naik           | 2                   | 4575             |

22046 7590 12/31/2003

LUCENT TECHNOLOGIES INC.  
DOCKET ADMINISTRATOR  
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HOLMDEL, NJ 07733

EXAMINER

NGUYEN, HANH N

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2662

DATE MAILED: 12/31/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/664,565

Applicant(s)

NAIK, TEJAS

Examiner

Hanh Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Application filed on 9/18/00.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3, 4, 5, 7 and 8 are rejected under 35 USC 103(a) as being unpatentable over **Callon** (US Pat. No. 5,699,347) in view of **Nagami et al.** (US Pat. No. 6,304,577 B1).

In claims 1, 2, 3, 4, 5, 7 and 8, **Callon** discloses a method used to establish a new virtual circuit to route packet across the connection-oriented subnetwork ( backbone) from router 112 to router 122 (bordering routers), wherein there is not a virtual circuit already exists ( no connection between bordering router and backbone) . See col.6, lines 5-9 & 20-25 & col.5, lines 45-50. A determination is made (at step 212, Fig.4) to find out if a virtual circuit in the backbone exists between router 112 and router 122 (analyzing if the router is already connected to the backbone). See col.6, lines 58-60. If not, a new virtual circuit is established at step 222, Fig.4 (establishing a virtual link through the router to the backbone if the router is not already connected to the backbone). See col.6, line 55 to col.7, line 5. **Callon** does not disclose establishing a virtual link through a neighbor node of the router if a virtual link can not be established through the router. **Nagami et al.** discloses a network having unused virtual connections to neighboring nodes established and registered. When a VC is needed to transmit a packet, the registered unused VCs to the neighbor nodes is selected for use (establishing unused virtual links to neighbor nodes in a network). See Abstract. Therefore, it would have been obvious to one ordinary skill in the art to

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combine the **Nagami et al.** with **Callon** by establishing unused VCs in advance to the neighbor nodes to establish a virtual link through a neighbor node of the router when there is not a virtual link established through the router. The motivation is to backup the unused VCs; and release the unused VCs when a VC is not needed.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Callon et al. (US Pat. No. 5,854,899) discloses Method and Apparatus for Managing Virtual Circuits and Routing Packets in a Network/Subnetwork Environment.

Furuichi (US Pat. No. 6,363,072 B1) discloses ATM Network Communication Control System Allowing End-To-End Connection To be Set Up with Ease and Communication Control Method Thereof.

Byrne (US Pat. No. 6,229,787 B1) discloses Mechanism to Achieve Very Fast Failover in ATM Backbone Networks Using Multi-Homed Circuits.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is (703) 306-5445. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:30 PM.

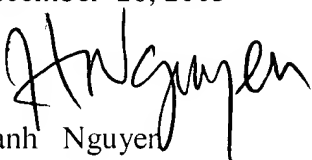
If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (703) 305-4744. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

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December 26, 2003

  
Hanh Nguyen